


Approved: 
Jeffrey W. Coyle
Assistant United States Attorney

Before: THE HONORABLE ROBERT W. LEHRBURGER
United States Magistrate Judge
Southern District of New York

22 MAG 4574

- - - - -	X	:	
	:	:	<u>SEALED COMPLAINT</u>
UNITED STATES OF AMERICA	:	:	
- v. -	:	:	Violations of 18
	:	:	U.S.C. §§ 844(i) and
ADRIAN NUNEZ,	:	:	2.
	:	:	
Defendant.	:	:	COUNTY OF OFFENSE:
	:	:	BRONX
	:	:	
- - - - -	X	:	

SOUTHERN DISTRICT OF NEW YORK, ss.:

TENITRIS MCINNIS, being duly sworn, deposes and says that she is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), and charges as follows:

COUNT ONE
(Arson)

1. On or about May 13, 2022, in the Southern District of New York and elsewhere, ADRIAN NUNEZ, the defendant, maliciously damaged and destroyed, and attempted to damage and destroy, by means of fire and an explosive, a building, vehicle, and other real and personal property used in interstate and foreign commerce and in an activity affecting interstate and foreign commerce, to wit, NUNEZ threw a glass bottle with an ignitable liquid and a lit wick (a "Molotov Cocktail") at a residential apartment building (the "Building") in the Bronx, New York.

(Title 18, United States Code, Sections 844(i) and 2.)

COUNT TWO
(Arson)

2. On or about May 14, 2022, in the Southern District of New York and elsewhere, ADRIAN NUNEZ, the defendant, maliciously damaged and destroyed, and attempted to damage and destroy, by means of fire and an explosive, a building, vehicle, and other real and personal property used in interstate and foreign commerce and in an activity affecting interstate and foreign commerce, to wit, NUNEZ threw two Molotov Cocktails at the Building and a parked vehicle in the Bronx, New York.

(Title 18, United States Code, Sections 844(i) and 2.)

COUNT THREE
(Arson)

3. On or about May 20, 2022, in the Southern District of New York and elsewhere, ADRIAN NUNEZ, the defendant, maliciously damaged and destroyed, and attempted to damage and destroy, by means of fire and an explosive, a building, vehicle, and other real and personal property used in interstate and foreign commerce and in an activity affecting interstate and foreign commerce, to wit, NUNEZ threw two Molotov Cocktails at the Building.

(Title 18, United States Code, Sections 844(i) and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

4. I have been a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") for approximately seven years and am currently assigned to the ATF Arson and Explosives Task Force. In the course of my career with the ATF, I have investigated numerous federal crimes, including arson and firearms offenses. I have been personally involved in the investigation of this matter, and I base this affidavit on that experience, on my conversations with other law enforcement officials, and on my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and

conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

5. For the reasons set forth below, there is probable cause to believe that ADRIAN NUNEZ, the defendant, committed an Arson ("Arson-1") of the Building on or about May 13, 2022, an Arson ("Arson-2") of the Building on or about May 14, 2022, and an Arson ("Arson-3") of the Building on or about May 20, 2022.

Arson-1

6. Based on my conversations with other law enforcement officers and my review of documents and reports prepared by the Fire Department of New York ("FDNY") and the New York City Police Department ("NYPD"), I have learned, in substance and in part:

a. The Building was the victim of an Arson at approximately 3:15 am on or about May 13, 2022.

b. Based on my review of video surveillance footage from near or around the Building, a male individual ("Suspect-1") carrying a bag and wearing a yellow jacket with reflective sleeves, a dark-colored hooded sweatshirt, beige cargo pants, black shoes, and over-ear black headphones approached the Building at approximately 3:15 am. A still image from the video surveillance is depicted below:



c. Suspect-1 lit what appears to be a Molotov Cocktail and threw it at the exterior terrace of the Building. A still image of Suspect-1 throwing the object and the resulting flames is depicted below.



d. A Superintendent at the Building reported to law enforcement that on or about May 13, 2022, at approximately 7:00 am, he noticed soot staining on the exterior terrace in front of the Building and cleaned the area with soap and water.

Arson-2

7. Based on my conversations with other law enforcement officers and my review of documents and reports prepared by the FDNY and the NYPD, I have learned, in substance and in part:

a. The Building was the victim of an Arson on or about May 14, 2022, at approximately 4:13 am.

b. At that approximate time, a tenant of the Building living in a first-floor apartment ("Witness-1") heard the sound of glass shattering, looked out the window of the apartment, and observed flames emanating from the exterior terrace of the Building and from a vehicle (the "Vehicle"). Firefighters from the FDNY arrived at the Building and extinguished the Vehicle fire.

c. On May 14, 2022, an FDNY Fire Investigator conducted a sweep of the exterior terrace of the Building and received a positive indication for ignitable liquids.

d. Based on my review of video surveillance footage from the area surrounding the Building, at approximately 4:13 am, an male individual ("Suspect-2") threw what appears to be two Molotov Cocktails at the exterior terrace of the Building from across Kimberly Place. The exterior of the building and a vehicle parked in front of the Building were ignited in flames. Photographs of the resulting damage to the Building and Vehicle are depicted below.





e. Video surveillance footage from the area around the Building shows Suspect-2 carrying a bag and wearing a yellow jacket with reflective sleeves, a dark-colored hooded sweatshirt, black pants, black shoes, and over-ear black headphones around the time of Arson-2. Based on my comparison of surveillance video of Suspect-1 and Suspect-2, I believe them to be the same person based on the fact that they both wore distinctive attire, including a yellow jacket with reflective sleeves and over-ear black headphones, and because they threw Molotov Cocktails at the same building on two consecutive days. A still image from the video surveillance is depicted below:



Arson-3

8. Based on my conversations with other law enforcement officers and my review of documents and reports prepared by the FDNY and the NYPD, I have learned, in substance and in part:

a. The Building was the victim of an Arson on or about May 20, 2022, at approximately 3:52 am.

b. At that approximate time, video surveillance footage from near or around the Building shows a male individual

("Suspect-3") wearing black pants, black shoes, a beige poncho, and over-ear black headphones approach the Building.

c. Suspect-3 lit what appears to be two Molotov Cocktails and threw them at the exterior terrace of the Building. A still image from the video surveillance is depicted below.



d. Based on my comparison of surveillance video of Suspect-1, Suspect-2, and Suspect-3, I believe them to be the same person based on the fact that they wore distinctive attire, including over-ear black headphones, and because they threw Molotov Cocktails at the same Building on three separate occasions within a week.

Identification of Suspect-1

9. A New York City Housing Authority employee ("Witness-2") reviewed video surveillance footage of Suspect-1 and Suspect-2 and positively identified Suspect-1 and Suspect-2 as a former tenant of the Building that previously lived in a particular apartment (the "Apartment").

10. I have learned that ADRIAN NUNEZ, the defendant, was the previous occupant of the Apartment and that on October 1, 2021, there was a fire in the Apartment. A notice to vacate the Apartment was posted with an effective date of October 25, 2021.

11. I have learned that ADRIAN NUNEZ, the defendant, owes the owner of the Building approximately \$34,100 in unpaid rent.

12. I have learned that a card used to access the Building (the "Access Card") issued to ADRIAN NUNEZ, the defendant, was used to access the Building on May 13, 2022, at approximately 3:14 am, that is, around the time of Arson-1. Records indicate that the last time the Access Card had been used to access the building before May 13, 2022 was on March 23, 2021.

13. Based on an interview with a representative from the Building, I have learned, in substance and in part, that the Building contains rental units, and that the property damaged and destroyed is therefore used in interstate commerce and in an activity affecting interstate commerce.

WHEREFORE, deponent respectfully requests that a warrant be issued for the arrest of ADRIAN NUNEZ, the defendant, and that he be arrested, and imprisoned or bailed, as the case may be.

S/ by the Court with permission

Tenitris McInnis
Special Agent
ATF Arson and Explosives Task Force

Sworn to before me this
24th day of May, 2022



THE HONORABLE ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK